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Letter dated 12 July 2018 from the Permanent Representatives of Germany and Turkey to the United Nations addressed to the Secretary-General and the President of the Security Council

We have the honour to write you on behalf of Australia, Austria, Azerbaijan, Belgium, Bulgaria, Canada, Croatia, the Czech Republic, Denmark, Estonia, Finland, France, Georgia, Hungary, Iceland, Ireland, Italy, Japan, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, the Netherlands, Norway, Poland, Portugal, Qatar, Romania, Saudi Arabia, Slovakia, Slovenia, Spain, Sweden, Switzerland, Ukraine, the United Kingdom of Great Britain and Northern Ireland, the United States of America and our own countries, Germany and Turkey.

We are deeply worried by the possible grave ramifications of Law No. 10 enacted by the Syrian regime on 2 April 2018. The law ostensibly seeks to redevelop damaged and informal settlements in urban areas but, if implemented, threatens to expropriate the private property of millions of displaced Syrians, depriving them of their homes and land. As a consequence, this law would significantly hinder their return home.

Under Law No. 10, once an area is designated for urban redevelopment, individuals must establish their ownership or occupancy rights within a 30-day notification period to secure their right to compensation. According to unconfirmed reports, this period has been extended to one year. Property unclaimed by owners will then be expropriated by Damascus without compensation.

It is obvious that, in addition to not having physical access to Syria owing to displacement, the lack or loss of documentation for housing, land and property will prevent many Syrians from claiming ownership, resulting in the uncompensated expropriation of their property. This, in turn, will have significant repercussions for the future return of millions of Syrian internally displaced persons and refugees.

Law No. 10 is not a singular piece of legislation and should not be viewed in isolation. It is only 1 of over 40 related laws on housing, land and property adopted since the beginning of the Syrian conflict and part of a comprehensive policy to alter the sectarian, social, economic and political landscape of Syria and the fabric of local communities.

Since the beginning of the Syrian conflict, Damascus has systematically destroyed the land registry and cadastre records in opposition strongholds and in areas where it has regained control. Such practices are well documented by international human rights organizations. In July 2013, the regime bombarded the building in Homs where land registry and cadastre records were kept. Similar incidents have been observed in Zabadani, Darayya and Qusayr. Following the destruction of records, the

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regime first forcefully displaced the local civilian population and then placed groups close to Damascus in those buildings. Among these groups are a number of militias from third countries.

Grievances related to housing, land and property rights in Syria predate the conflict and are widely viewed as one of the contributing factors to the social unrest and protests in 2011. The recent housing, land and property legislation, especially Law No. 10, has further exacerbated these grievances. The locations currently being discussed as potential zones for the implementation of Law No. 10 include areas where Damascus has reasserted control through military escalation following large-scale forced evacuations and flight. This gives rise to well-founded concerns that civilians from areas formerly controlled by the opposition will face dispossession and thus collective punishment.

In the absence of a stable security situation and an inclusive political environment that allows displaced Syrians to establish their ownership or occupancy rights and safely return to their homes, implementing such a law will lead to the arbitrary confiscation of property and denies the individual property rights of millions of Syrians, rights that are enshrined in the Universal Declaration of Human Rights. The Guiding Principles on Internal Displacement equally reaffirm that property and possessions left behind by internally displaced persons should be protected against destruction and arbitrary and illegal appropriation, occupation or use (Principle 21).

Furthermore, Law No. 10 is by its design likely to de facto negatively affect in particular those Syrians who left or were forced to leave the country or their home region because of their political beliefs or security concerns. The law may therefore be incompatible with the prohibition of discrimination on the grounds of political opinion in article 26 of the International Covenant on Civil and Political Rights, to which Syria is a party.

Law No. 10 clearly contradicts and grossly undermines the United Nations-led efforts to find a political solution, jeopardizes future reconciliation and flagrantly defies Security Council resolution 2254 (2015), in which the Council underscored the critical need to build conditions for the safe and voluntary return of refugees and internally displaced persons to their home areas and the rehabilitation of affected areas, in accordance with international law, including applicable provisions of the Convention and Protocol Relating to the Status of Refugees, and, taking into account the interests of those countries hosting refugees, urged Member States to provide assistance in this regard.

The law has already stoked great uncertainty and anxiety among many Syrians inside and outside Syria, including in Member States that are hosting large numbers of Syrians. We urge you, in close consultation with Member States, to oppose the implementation of the law in its original form, call for its substantive amendment, safeguard the rights of the millions of Syrians who are affected and identify measures to ensure that the above-mentioned implications for all Syrians can be averted.

The United Nations and all its agencies in their dealings with Damascus should adopt a coherent and unified approach to ensure respect for international human rights obligations regarding housing, land and property rights. The adoption of laws that contravene those rights must be challenged.

Above all, the rights of all Syrians, including those displaced by the conflict, must be addressed and protected within the framework of the United Nations-led political process in line with Security Council resolution 2254 (2015). We call upon you to make every necessary effort, including within the United Nations system itself, to protect and advocate the rights and future of millions of Syrians.

We would appreciate it if the present letter could be circulated to the members of the Security Council and issued as a document of the Council.

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Permanent Representative of the
Federal Republic of Germany to the United Nations

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